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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
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7 BRYAN BREY,

8 Plaintiff,

9 v.

10 BANK OF AMERICA, *et al.*,

11 Defendants.
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Case No. 2:09-CV-01264-KJD-GWF

ORDER

13 On October 26, 2010, the Ninth Circuit Court of Appeals dismissed Plaintiff's appeal for
14 failing to file the opening brief (#46). Accordingly, the Court dismisses Plaintiff's Motions
15 (#41/42/43) as moot. To the extent that Plaintiff sought an automatic stay of the proceedings because
16 he filed a bankruptcy petition, that relief is denied, because it is undisputed that the Bankruptcy
17 Code's automatic stay does not apply to judicial proceedings, such as this suit, that were initiated by
18 debtor. See Brown v. Armstrong, 949 F.2d 1007, 1009-1010 (8th Cir. 1991); 11 U.S.C. § 362(a)(1)
19 (filing of petition automatically stays commencement or continuation of proceedings "against the
20 debtor").

21 Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motions (#41/42/43) are **DENIED**.

22 DATED this 28th day of October 2010.
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26 Kent J. Dawson
United States District Judge